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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4469

13 **GERARDO CASTILLO**  
**A.K.A. GERARDO CASTILLO RICO**  
14 **904 Elm Avenue**  
**Modesto, California 95351**

**A C C U S A T I O N**

15 **Intern Pharmacist Registration No. INT**  
**22538**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about August 22, 2008, the Board of Pharmacy (Board), Department of  
23 Consumer Affairs issued Intern Pharmacist Registration Number INT 22538 to Gerardo Castillo  
24 also known as Gerardo Castillo Rico (Respondent). The Intern Pharmacist Registration was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on August  
26 31, 2013, unless renewed.

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7. Health and Safety Code section 11173, subdivision (a) states, in part:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact. . . .

**DRUG**

8. **“Alprazolam”** (also know as Xanax) is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

## COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Dishonest Acts)**

10. Respondent has subjected his license to disciplinary action under Code section 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as follows:

11. On or about May 23, 2012, the Board received a *CVS/Pharmacy Notification of Suspected Controlled Substance Theft or Significant Lost* report. The report stated that on or about May 19, 2012, while working at a CVS Pharmacy, Respondent was apprehended with a bottle of alprazolam 2 mg. Respondent admitted to opening the seal of the bottle and attempting to remove the medication from the pharmacy without a valid prescription, without intention of paying for it and to use the medication to possibly harm himself. The alprazolam bottle was a 100 count bottle. According to the pharmacist-in-charge, only twenty-one (21) pills were confiscated from Respondent and the remaining seventy-nine (79) pills were not accounted for. Respondent was terminated from his job at CVS Pharmacy on or about May 29, 2012, for the theft of alprazolam.

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**SECOND CAUSE FOR DISCIPLINE**

**(Unlawful Possession of Dangerous Drug/Controlled Substance)**

12. Respondent is subject to disciplinary action under section 4301, subdivision (j) on the grounds of unprofessional conduct, in that Respondent unlawfully possessed a dangerous drug and controlled substance, in violation of Health and Safety Code section 11173, subdivision (a), and Business and Professions Code section 4022, as more fully set forth in paragraph 11, above.

**THIRD CAUSE FOR DISCIPLINE**

**(Violation of Statute Regulating Controlled Substance)**

13. Respondent has subjected his license to disciplinary action under Code section 4301 subdivision (j), on the grounds of unprofessional conduct, in that Respondent violated Health and Safety Code section 11173, subdivision (a), (obtaining or attempt to obtain controlled substances without a prescription), as set forth in paragraph 11, above.

**FOURTH CAUSE FOR DISCIPLINE**

**(Violation of Pharmacy Laws)**

14. Respondent is subject to disciplinary action under section 4301, subsection (o) in that Respondent violated the laws and regulations regulating pharmacists, as more fully set forth in paragraphs 10-12, above.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Intern Pharmacist Registration Number INT 22538, issued to  
5 Gerardo Castillo also known as Gerardo Castillo Rico;

6 2. Ordering Gerardo Castillo also known as Gerardo Castillo Rico to pay the Board of  
7 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
8 Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.  
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13 DATED: 5/9/13

  
14 VIRGINIA HEROLD  
15 Executive Officer  
16 Board of Pharmacy  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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